

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

No. C 17-00939 WHA

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; and OTTO
TRUCKING LLC,

**ORDER RE FORTHCOMING
OFFER OF PROOF AND
RESPONSE THERETO**

Defendants.

In its forthcoming offer of proof, Waymo shall please be sure to specifically explain the practical details of how it will implement its offer of proof, including the names of specific sponsoring witnesses and how they will overcome hearsay objections.

In addition, to evaluate how much, if any, of the Richard Jacobs story should be laid before the jury, the judge requests that both sides address in their forthcoming submissions the exact extent to which any truthful information in the Jacobs materials was not already known to Waymo. For example, it seems that the ephemeral messaging issue was generally true but was already known to Waymo. On the other hand, it seems that the non-attributable devices issue was not previously known but was a problem confined to SSG and MA. True?

IT IS SO ORDERED.

Dated: January 3, 2018.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE